

**EIGHTEENTH LEGISLATIVE DAY
THURSDAY, JANUARY 29, 2004**

House of Representatives

The House convened at 11:15 a.m., the Speaker in the Chair.

Roll call showed 66 members present.

Absent and excused -- Cuddy, Roberts, Sali, Schaefer.
Total -- 3.

Total -- 70.

Prayer was offered by Chaplain Jim Hardenbrook.

The Pledge of Allegiance was led by Heidi Lake, Page.

Approval of Journal

January 29, 2004

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Seventeenth Legislative Day and recommend that same be adopted as corrected.

FIELD(18), Chairman

Mrs. Field(18) moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

**Consideration of Messages from the
Governor and the Senate**

January 28, 2004

Mr. Speaker:

I transmit herewith SCR 120, S 1213, S 1216, S 1217, and S 1218 which have passed the Senate.

WOOD, Secretary

SCR 120, S 1213, S 1216, S 1217, and S 1218 were filed for first reading.

Report of Standing Committees

January 29, 2004

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION report that we have printed HCR 36, HJM 13, H 568, H 569, H 570, H 571, H 572, H 573, H 574, H 575, H 576, H 577, and HJR 5.

FIELD(18), Chairman

HCR 36, HJM 13, H 576, and H 577 were referred to the State Affairs Committee.

H 568, H 569, and H 570 were referred to the Business Committee.

H 571, H 572, and H 573 were referred to the Judiciary, Rules, and Administration Committee.

H 574 was referred to the Resources and Conservation Committee.

H 575 was referred to the Health and Welfare Committee.

HJR 5 was referred to the Revenue and Taxation Committee.

January 28, 2004

Mr. Speaker:

We, your COMMITTEE ON TRANSPORTATION AND DEFENSE, report that we have had under consideration H 473 and recommend that it do pass.

WOOD, Chairman

H 473 was filed for second reading.

January 29, 2004

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration H 533 and H 534 and recommend that they do pass.

DEAL, Chairman

H 533 and H 534 were filed for second reading.

There being no objection, the House advanced to the Seventh Order of Business.

Motions, Memorials, and Resolutions

SCR 120, by Health and Welfare Committee, was introduced, read the first time by title, and referred to the Health and Welfare Committee.

**Introduction, First Reading, and Reference
of Bills and Joint Resolutions**

**HOUSE BILL NO. 578
BY TRANSPORTATION AND DEFENSE COMMITTEE
AN ACT**

RELATING TO SINGLE COUNTYWIDE HIGHWAY DISTRICTS; AMENDING CHAPTER 14, TITLE 40, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 40-1418, IDAHO CODE, TO PROVIDE PROCEDURES FOR DISSOLUTION OF EXISTING SINGLE COUNTYWIDE HIGHWAY DISTRICTS; AND AMENDING SECTION 40-1801, IDAHO CODE, TO PROVIDE THAT THE SECTION SHALL NOT APPLY TO SINGLE COUNTYWIDE HIGHWAY DISTRICTS AND TO PROVIDE APPLICATION TO A SINGLE COUNTYWIDE HIGHWAY DISTRICT.

**HOUSE BILL NO. 579
BY HEALTH AND WELFARE COMMITTEE
AN ACT**

RELATING TO PROTECTION OF THE MENTALLY ILL; AMENDING SECTION 66-317, IDAHO CODE, TO FURTHER DEFINE TERMS; AND AMENDING SECTION 66-346, IDAHO CODE, TO GOVERN COMMUNICATION

AND VISITATION RIGHTS OF PATIENTS AND TO MAKE A TECHNICAL CORRECTION.

HOUSE BILL NO. 580
BY STATE AFFAIRS COMMITTEE
 AN ACT

RELATING TO EMERGENCY COMMUNICATIONS SYSTEMS; AMENDING SECTION 31-4801, IDAHO CODE, TO REVISE LEGISLATIVE PURPOSE AND TO MAKE A TECHNICAL CORRECTION; AMENDING CHAPTER 48, TITLE 31, IDAHO CODE, BY THE ADDITION OF NEW SECTIONS 31-4815, 31-4816, 31-4817 AND 31-4818, IDAHO CODE, TO CREATE THE IDAHO EMERGENCY COMMUNICATIONS COMMISSION, TO PROVIDE MEMBERSHIP AND TERMS OF OFFICE, TO PROVIDE PURPOSES AND RESPONSIBILITIES OF THE IDAHO EMERGENCY COMMUNICATIONS COMMISSION, TO PROVIDE MEDIATION BY THE IDAHO EMERGENCY COMMUNICATIONS COMMISSION AND TO CREATE THE IDAHO EMERGENCY COMMUNICATIONS FUND.

HOUSE BILL NO. 581
BY STATE AFFAIRS COMMITTEE
 AN ACT

RELATING TO BANKRUPTCY AND PENSION PLANS; AMENDING SECTION 11-604A, IDAHO CODE, TO INCLUDE 457 PLANS AS EXEMPT FROM EXECUTION, ATTACHMENT, GARNISHMENT, SEIZURE OR OTHER LEVY OR BY ANY OTHER LEVY BY OR UNDER ANY LEGAL PROCESS WHATEVER WITH EXCEPTIONS, TO FURTHER DEFINE THE TERM "EMPLOYEE BENEFIT PLAN," TO DELETE LANGUAGE REGARDING APPLICATION TO CERTAIN EMPLOYEE BENEFIT PLANS, TO PROVIDE PAYMENTS FROM A 457 PLAN UNDER CERTAIN CIRCUMSTANCES AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY.

HOUSE JOINT RESOLUTION NO. 6
BY BARRETT AND WOOD
 A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO ARTICLE VII, OF THE CONSTITUTION OF THE STATE OF IDAHO, BY THE ADDITION OF A NEW SECTION 18, ARTICLE VII, OF THE CONSTITUTION OF THE STATE OF IDAHO, RELATING TO A TAXPAYER'S BILL OF RIGHTS TO LIMIT LEGISLATIVE APPROPRIATIONS AND EXPENDITURES IN ANY FISCAL YEAR TO THE APPROPRIATIONS AND EXPENDITURES FROM THE PREVIOUS FISCAL YEAR WITH ALLOWANCE FOR ANNUAL CHANGES IN THE COST OF LIVING AND POPULATION, TO PROVIDE THAT ANY BILL THAT CREATES OR INCREASES A TAX RATE, REMOVES A TAX EXEMPTION, OR CREATES OR INCREASES A DISCRETIONARY USER CHARGE AFTER RATIFICATION OF THIS SECTION, MUST BE AGREED TO BY TWO-THIRDS OF ALL MEMBERS PRESENT IN EACH OF THE TWO HOUSES OF THE LEGISLATURE AND SIGNED BY THE GOVERNOR, TO CREATE THE EMERGENCY FUND, THE BUDGET STABILIZATION FUND AND THE EXCESS REVENUE FUND, TO PROVIDE

FOR DEPOSITS TO THE FUNDS AND WITHDRAWAL OF REVENUES FROM THE FUNDS AND TO PROVIDE THAT THE LEGISLATURE MAY IMPOSE TAX AND EXPENDITURE LIMITATIONS UPON LOCAL UNITS OF GOVERNMENT; STATING THE QUESTION TO BE SUBMITTED TO THE ELECTORATE; DIRECTING THE LEGISLATIVE COUNCIL TO PREPARE THE STATEMENTS REQUIRED BY LAW; AND DIRECTING THE SECRETARY OF STATE TO PUBLISH THE AMENDMENT AND ARGUMENTS AS REQUIRED BY LAW.

HOUSE JOINT RESOLUTION NO. 7
BY BARRETT

A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO ARTICLE VII, OF THE CONSTITUTION OF THE STATE OF IDAHO, RELATING TO FINANCE AND REVENUE, BY THE ADDITION OF A NEW SECTION 19, ARTICLE VII, OF THE CONSTITUTION OF THE STATE OF IDAHO, RELATING TO A TAXPAYER'S BILL OF RIGHTS TO LIMIT LEGISLATIVE APPROPRIATIONS AND EXPENDITURES IN ANY FISCAL YEAR TO THE APPROPRIATIONS AND EXPENDITURES FROM THE PREVIOUS FISCAL YEAR WITH ALLOWANCE FOR ANNUAL CHANGES IN THE COST OF LIVING AND POPULATION, TO CREATE THE EMERGENCY FUND, THE BUDGET STABILIZATION FUND AND THE EXCESS REVENUE FUND, TO PROVIDE FOR DEPOSITS TO THE FUNDS AND WITHDRAWAL OF REVENUES FROM THE FUNDS AND TO PROVIDE THAT THE LEGISLATURE MAY IMPOSE TAX AND EXPENDITURE LIMITATIONS UPON LOCAL UNITS OF GOVERNMENT; STATING THE QUESTION TO BE SUBMITTED TO THE ELECTORATE; DIRECTING THE LEGISLATIVE COUNCIL TO PREPARE THE STATEMENTS REQUIRED BY LAW; AND DIRECTING THE SECRETARY OF STATE TO PUBLISH THE AMENDMENT AND ARGUMENTS AS REQUIRED BY LAW.

HOUSE JOINT RESOLUTION NO. 8
BY BARRETT

A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO SECTION 8, ARTICLE III, OF THE CONSTITUTION OF THE STATE OF IDAHO, RELATING TO SESSIONS OF THE LEGISLATURE AND THE CONVENING DATE OF THE SESSION, TO CHANGE THE SESSIONS OF THE STATE LEGISLATURE FROM ANNUAL TO BIENNIAL, AND TO PROVIDE FOR THE CONVENING OF THE BIENNIAL SESSION ON THE SECOND MONDAY AFTER THE FIRST DAY OF JANUARY OF EACH ODD-NUMBERED YEAR, UNLESS A DIFFERENT DAY SHALL HAVE BEEN APPOINTED BY LAW, AND AT OTHER TIMES WHEN CONVENED BY THE GOVERNOR; STATING THE QUESTION TO BE SUBMITTED TO THE ELECTORATE; DIRECTING THE LEGISLATIVE COUNCIL TO PREPARE THE STATEMENTS REQUIRED BY LAW; AND DIRECTING THE SECRETARY OF STATE TO PUBLISH THE AMENDMENT AND ARGUMENTS AS REQUIRED BY LAW.

H 578, H 579, H 580, H 581, HJR 6, HJR 7, and HJR 8 were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

S 1213, S 1216, S 1217, and S 1218, by Finance Committee, were introduced, read the first time by title, and filed for second reading.

There being no objection, the House advanced to the Tenth Order of Business.

Second Reading of Bills and Joint Resolutions

H 565 and H 566, by Appropriations Committee, were read the second time by title and filed for third reading.

H 501 and H 535, by State Affairs Committee, were read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

H 474 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Smith(24) to open debate.

The question being, "Shall **H 474** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Robison, Rydalch, Sayler, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker.
Total -- 65.

NAYS -- None.

Absent and excused -- Cuddy, Lake, Roberts, Sali, Schaefer.
Total -- 5.

Total -- 70.

Whereupon the Speaker declared **H 474** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Denney moved that the House adjourn until 8 a.m., Friday, January 30, 2004. Seconded by Mrs. Boe. Motion carried.

Whereupon the Speaker declared the House adjourned at 11:37 a.m.

BRUCE NEWCOMB, Speaker

ATTEST:

PAMM JUKER, Chief Clerk